IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No.498/2001.

Date of Decision : 9.1.2007.

Soni Kumar ….Petitioner.

Versus:

Union of India and others. …Respondents.

Coram:

The Hon'ble Mr.Justice Dev Darshan Sud, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.Rahul Mahajan, Advocate.

For Respondents. Mr.K.B.Khajuria, Central Govt. Counsel.

Dev Darshan Sud,J.

The petitioner is aggrieved by the order passed by the respondents rejecting his prayer for compassionate appointment.

The brief facts relevant for the decision of the writ petition are that the father of the petitioner Shri Tulsi Ram Jain was serving the respondents and was posted in the office of the Deputy Manager (Weapons), Indian Naval Dockyard, Bombay. He died on 28.6.1986 while he was in service leaving behind the petitioner who is only son and legal heir.

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

The petitioner has attached a number of communications/representations with the writ petition, wherein he has been requesting the respondents for consideration of his case for compassionate appointment. The petitioner has submitted that he was in dire need of economic succour. In the affidavit filed by the respondents, it has been submitted that the case of the petitioner was considered, but it was found that he was not eligible for compassionate appointment. At the time of hearing of the petition, the records regarding the consideration of the case of the petitioner were summoned to this Court.

The learned counsel for the parties made submissions on the respective stands which have been adopted by them in the writ petition and reply. No opinion is being expressed by this Court on the merits or demerits of the claim. The learned counsel for the petitioner submits that the writ petition, which he has filed, may be treated as a representation and his case may be considered for compassionate appointment in accordance with law. He further submits that there is no change in the economic condition of the petitioner since the date of death of his father when the petitioner was minor. The writ petition is accordingly disposed of. It is directed that the respondents would treat the writ petition as a representation made on his behalf and consider the case of the petitioner afresh for appointment on compassionate grounds in accordance with law. For this purpose, if the petitioner places any other

materials before the respondents to substantiate his entitlement, such materials/documents will be taken into account by the respondents, who will dispose of his representation by a speaking order. Such representation will be made by the petitioner within a period of six weeks from today. In case the petitioner desires to be heard in person, such opportunity shall be granted to him. The representation shall be disposed of within a period of six months from the date when the representation is so submitted by the petitioner. No opinion has been expressed on the rival claims/contentions of the parties. The writ petition is accordingly disposed of. There shall be no order as to costs.

(Dev Darshan Sud),
Judge.

January 9,2007(R)